IN THE CLAIMS

1. (canceled)

2. (amended) The phenol oxidizing enzyme of claim [40] 43 wherein said Stachybotrys includes S. parvispora, S. chartarum, S. kampalensis, S. theobromae, S. bisbyi, S. cylindrospora, S. dichroa, S. oenanthes or S. nilagerica.

3. (previously amended) An isolated phenol oxidizing enzyme having the amino acid sequence disclosed in SEQ ID NO:2.

4 - 7. (canceled)

9 - 10. (canceled)

11. (withdrawn) An expression vector comprising the polynucleotide of Claim 8.

12. (withdrawn) A host cell comprising the expression vector of Claim 9, Claim 10, or Claim 11.

13. (withdrawn) The host cell of Claim 12 that is a filamentous fungus.

14. (withdrawn) The host cell of Claim 13 wherein said filamentous fungus includes Aspergillus species, Trichoderma species and Mucor species.

15. (withdrawn) The host cell of Claim 13 that is a yeast.

16. (withdrawn) The host cell of Claim 15 wherein said yeast includes Saccharomyces, Pichia, Schizosaccharomyces, Hansenula, Kluyveromyces, and Yarrowia species.

17. (withdrawn) The host cell of Claim 13 wherein said host is a bacterium.

18. (withdrawn) The host cell of Claim 17 wherein said bacterium includes Bacillus and Escherichia species.

19. (withdrawn) A method for producing a phenol oxidizing enzyme obtainable from *Stachybotrys* in a host cell comprising the steps of:

(a) obtaining a host cell comprising a polynucleotide encoding said phenol oxidizing enzyme obtainable from Stachybotrys wherein said enzyme has at least 65% identity to the amino acid sequence disclosed in SEQ ID NO:2;

(b) growing said host cell under conditions suitable for the production of said phenol oxidizing enzyme; and

(c) optionally recovering said phenol oxidizing enzyme produced.

20. (withdrawn) The method of Claim 19 wherein said phenol oxidizing enzyme is obtainable from a *Stachybotrys* including *S.* parvispora, *S.* chartarum, S. kampalensis, S. theobromae, S. bisbyi, S. cylindrospora, S. dichroa, S. oenanthes and S. nilagerica.

21 - 22. (canceled)

38. (canceled)

39. (amended) A phenol oxidizing enzyme having at least [70%] <u>90%</u> identity to the amino acid sequence disclosed in SEQ ID NO:2 wherein said enzyme is capable of modifying the color associated with dyes or a colored compound.

Please cancel claim 40.

Please cancel claim 41.

42. (previously added) A phenol oxidizing enzyme having at least 95% identity to the amino acid sequence of SEQ ID NO:2.

43. (previously added) The phenol oxidizing enzyme of claim 39, wherein the enzyme is obtained from *Stachybotrys*.

44. (withdrawn) The method of Claim 19, wherein the phenol oxidizing enzyme is obtained from *Stachybotrys*.

45. (withdrawn) An expression vector comprising a polynucleotide encoding the enzyme of Claim 42.

Respectfully submitted,

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